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FILED

APR 15 2009

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

UNITED STATES OF AMERICA,

Plaintiff,
v.

LEONARDO FERNANDEZ-RAMOS,

Defendant.

No. CR 08-00376 RMW

STIPULATION AND ~~PROPOSED~~
ORDER EXCLUDING TIME FROM
MARCH 20, 2009 THROUGH APRIL 13,
2009 FROM THE SPEEDY TRIAL ACT
CALCULATION (18 U.S.C. §
3161(h)(8)(A), (B))

On March 20, 2009 the parties appeared for a status hearing before the Court. At that time, based upon the request of counsel for defendant and with the agreement of the government, the court set the matter for a status hearing before the Honorable Ronald W. Whyte; the parties agreed on April 13, 2009, at 9:00 a.m. As the Court was advised, counsel for the defendant continues to investigate the case and review discovery. All parties stipulated to an exclusion of time through April 6, 2009 under the Speedy Trial Act to allow counsel for the defendant reasonable time for effective preparation.

The government hereby submits this written request for an order finding that said time is excluded under the Speedy Trial Act, 18 U.S.C. § 3161, in that the ends of justice are served by taking such action and outweigh the best interests of the public and defendants in a speedy trial.

1 18 U.S.C. § 3161(h)(8)(A). The failure to grant such a continuance would unreasonably deny
2 counsel for defendant reasonable time necessary for effective preparation, taking into account the
3 exercise of due diligence. 18 U.S.C. § 3161(h)(8)(B)(iv).

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5 DATED: April 3, 2009

JOSEPH P. RUSSONIELLO
United States Attorney

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8 /S/
GRANT P. FONDO
Assistant United States Attorney

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10 /S/
MANUAL ARAUJO
Counsel for Defendant

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ORDER

Based upon the stipulation of the parties, and for good cause shown, the Court HEREBY ORDERS that the time between March 16, 2009 and April 13, 2009 is excluded under the Speedy Trial Act, 18 U.S.C. § 3161. The court finds that the ends of justice are served by taking such action and outweigh the best interests of the public and defendant in a speedy trial. 18 U.S.C. § 3161(h)(8)(A). The failure to grant such a continuance would unreasonably deny counsel for defendant reasonable time necessary for effective preparation, taking into account the exercise of due diligence. The court therefore concludes that this exclusion of time should be made under 18 U.S.C. §§ 3161(h)(8)(A) and (B)(iv).

IT IS SO ORDERED.

DATED:

4/15/09



HOWARD R. LLOYD
UNITED STATES MAGISTRATE JUDGE